

525R PCT/PCT 18 JUL 2002  
Docket No.: PI-0137 USN

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231 on July 11, 2002.

By: Debbie Ellis Printed: Debbie Ellis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thornton et al.

Title: HUMAN LYASES

Serial No.: 10/069,434 Filing Date: To Be Assigned

Examiner: To Be Assigned Group Art Unit: To Be Assigned

BOX PCT  
Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL FEE SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard;
2. Response to Notification of Missing Requirements under 35 USC § 371 (2 pp.);
3. Copy of Notification of Missing Requirements under 35 USC § 371 (2 pp.);
4. Executed Declaration and Power of Attorney (30 pp., signed in counterpart);
5. Copy of Application Transmittal Letter (2 pp.); and
6. Petition for Extension of Time under 37 CFR § 1.136 (1 month) (1 pg.).

The fee has been calculated as shown below:

       No additional Fee is required.  
X Fee for filing a Petition for Extension of Time Under 37 CFR 1.17(a) - 1 Mo(s): \$ 110.00  
X Fee for filing late Oath or Declaration under 37 CFR § 1.492(e): \$ 130.00  
X Please charge Deposit Account No. 09-0108 in the amount of : \$ 240.00

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

07/23/2002 SNAJAR RD 00000103 090108 10069434

Respectfully submitted,

01 FC:115 110.00 CH  
02 FC:154 130.00 CH

INCYTE GENOMICS, INC.

Date: 11 July 2002

  
Diana Hamlet-Cox  
Reg. No. 33,302  
Direct Dial Telephone: (650) 845-4639

3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
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By: Debbie Ellis Printed: Debbie Ellis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Thornton et al.

Title: HUMAN LYASES

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Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371**

Sir:

In response to the "Notice to File Missing Requirements under 35 U.S.C. § 371," mailed by the United States Patent and Trademark Office on April 11, 2002 (copy attached), Applicants submit the documents listed below to complete the filing for the above-identified patent application. The period of time for response has been extended until July 11, 2002, by the accompanying Petition and fee.

1. Executed Declaration and Power of Attorney for United States Patent Application (30 pp., signed in counterpart); and
2. Petition for Extension of Time (1 month) (1 pg.).

Applicants respectfully submit that the request for additional claim fees in the amount of \$540.00 is incorrect. Enclosed is a copy of the Application Transmittal with Express Mail No. EL 856 146 414 US, mailed February 20, 2002, stating that the Total Claims are 20 and the Independent Claims are 2. Please note that no additional claim fees are due.

The Commissioner is hereby authorized to charge the amount of \$ 240.00 to Deposit Account No. 09-0108, as set forth in the accompanying transmittal letter. If the Commissioner determines that

additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Date: 11 July 2002

Respectfully submitted,  
INCYTE GENOMICS, INC.

  
Diana Hamlet-Cox  
Reg. No. 33,302  
Direct Dial Telephone: (650) 845-4639

3160 Porter Drive  
Palo Alto, California 94304  
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APR 16 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/069,434                    | Michael Thornton      | PI-0137 USN      |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/US01/19166                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 06/13/2001                    |                       |                  |

Richard C Ekstrom  
Incyte Genomics Inc  
3160 Porter Drive  
Palo Alto, CA 94304

CONFIRMATION NO. 3714  
371 FORMALITIES LETTER



\*OC000000007834108\*

Date Mailed: 04/11/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of the International Application
- Copy of the International Search Report

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$540 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$540 for a Large Entity:

- Total additional claim fee(s) for this application is \$540
- \$540 for 30 total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

LAMONT M HUNTER

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Telephone: (703) 305-3686

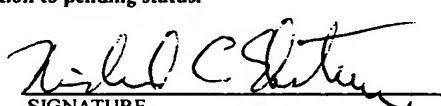
PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/069,434                  | PCT/US01/19166                | PI-0137 USN      |

FORM PCT/DO/EO/905 (371 Formalities Notice)

**COPY**

|   |  |  |  |  |
|---|--|--|--|--|
| FORM PTO-1390<br>OFFICE   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK<br>TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371 |  | ATTORNEY'S DOCKET NUMBER<br><b>PI-0137 USN</b>                           |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/US01/19166</b>  |  | INTERNATIONAL FILING DATE<br><b>13 June 2001</b>   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>TO BE ASSIGNED</b> |
| TITLE OF INVENTION<br><b>HUMAN LYASES</b>   |  |  |  |  |
| APPLICANT(S) FOR DO/EO/US<br><b>THORNTON, Michael; RAMKUMAR, Jayalaxmi; TRIBOULEY, Chatherine M.; YUE, Henry NGUYEN, Dannie B.; YAO, Monique G.; PATTERSON, Chandra; GANDHI, Ameena R.; BURFORD, Neil; THANGAVELU, Kavitha; BAUGHN, Mariah R.</b>   |  |  |  |  |
| <p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is the <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371 (f)).</li><li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau)</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li><li>e. <input type="checkbox"/> attached hereto Article 34 Amendment</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> |  |  |  |  |
| <p><b>Items 11 to 16 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.27 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment, as follows: Cancel in this application original claims 12, 14, 18, 20, 21, 23, 24, 25, 26, 30-50 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.</li><li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li><li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li><li>16. <input checked="" type="checkbox"/> Other items or information:<ol style="list-style-type: none"><li>1) Transmittal Letter (2 pp, in duplicate)</li><li>2) Return Postcard</li><li>3) Express Mail Label No.: <b>EL 856 146 414 US</b></li><li>4) Sequence Listing Statement</li></ol></li></ol>  |  |  |  |  |

|   |  |   |                           |
|---|--|---|---------------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br>TO BE ASSIGNED   | INTERNATIONAL APPLICATION<br>NO.: PCT/US01/19166 | ATTORNEY'S DOCKET NUMBER<br>PI-0137 USN |                           |
| <p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1000.00</p> <p><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..\$860.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$710.00</p> <p><input checked="" type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$710.00</p> <p><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00</p> |  |   |                           |
| <p><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$710.00</p>   |  |   |                           |
| <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). \$</p>   |  |   |                           |
| CLAIMS  | NUMBER FILED                                     | NUMBER EXTRA                            | RATE                      |
| Total Claims  | 20 =   | 0                                       | X \$ 18.00                |
| Independent Chms  | 2 / =  | 0                                       | X \$ 80.00                |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |  |   | + \$270.00                |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |  |   | \$                        |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |  |   | \$                        |
| <b>SUBTOTAL =</b>   |  |   | \$710.00                  |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +  |  |   | \$                        |
| <b>TOTAL NATIONAL FEE =</b>   |  |   | \$710.00                  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by the appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +   |  |   |                           |
| <b>TOTAL FEES ENCLOSED =</b>  |  |   | \$710.00                  |
|   |  |   | Amount to be Refunded: \$ |
|   |  |   | Charged: \$               |
| <p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>09-0108</u> in the amount of <u>\$710.00</u> to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>09-0108</u>. A duplicate copy of this sheet is enclosed.</p>  |  |   |                           |
| <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>   |  |   |                           |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>INCYTE GENOMICS, INC.<br/>3160 Porter Drive<br/>Palo Alto, CA 94304</p> <p><br/>SIGNATURE</p> <p>NAME: Richard C. Ekstrom</p> <p>REGISTRATION NUMBER: 37,027</p> <p>DATE: <u>20 February 2002</u></p>   |  |   |                           |